

April 3, 2007

The Selectmen of the Town of Harpswell, Maine wish to express their disagreement with the Federal Communications Commission's authority to make the "Rule and Order and Further Notice of Proposed Rulemaking" released on March 5, 2007. Historically, Congress has been responsible for making rule changes through the Communications Act. In this instance, we believe that the FCC is acting as a legislative body, not as a regulatory one.

Specifically, we object to the lack of standards imposed on new and incumbent companies with regard to the definition of "reasonable" thereby making it difficult for Local Franchising Authority's to know what is reasonable when negotiating or re-negotiating terms of a franchise agreement. Also, the constraints on build-out requirements are not in the best interest of the community and run counter to the stated goal of the FCC and our State Governor to extend broadband connections to as many of our citizens as possible. The proposed limitations on an LFA's build-out authority could severely limit service availability to more sparsely populated rural areas. Since broadband service is directly related to television service, we believe that this aspect of the "Order" needs to be re-evaluated.

The time frame for negotiating a new or renewal franchise within 90 days is too short a period of time for a small town, its staff and volunteers to satisfactorily negotiate a franchise agreement. Furthermore, there is nothing in the "Order" to encourage the service provider to negotiate in a timely manner. To the contrary, it would be in the best interest of the service provider to slow down the negotiations such that a town would be in default of meeting the prescribed time limit.

As a rural community it is unlikely that competition will come for quite some time in our area. We, therefore, emphatically reject the premise that this ruling should apply to existing cable companies that would likely be in monopolistic positions for years to come.

We respectfully ask for your consideration of our comments.

Sincerely,  
Harpswell Board of Selectmen  
Samuel W. Alexander  
Amy N. Haible  
James S. Henderson

cc: United States Senator Olympia Snowe

United States Senator Susan Collins  
United States Representative Tom Allen